

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

KEVIN SCOTT,	:	
	:	
Plaintiff	:	
	:	
VS.	:	
	:	
Deputy Warden SAMUEL LACEY, <i>et al.</i> ,	:	NO. 1:05-CV-158(WLS)
	:	
Defendants	:	PROCEEDINGS UNDER 42 U.S.C. § 1983 <u>BEFORE THE U.S. MAGISTRATE JUDGE</u>
	:	
		<u>O R D E R</u>

Plaintiff **KEVIN SCOTT**, an inmate at Calhoun State Prison in Morgan, Georgia, has filed a *pro se* civil rights complaint under 42 U.S.C. § 1983. He also seeks leave to proceed without prepayment of the filing fee or security therefor pursuant to 28 U.S.C. § 1915(a). As it appears that plaintiff is unable to pay the cost of commencing this action, plaintiff's application to proceed *in forma pauperis* is hereby **GRANTED**.

However, even if a prisoner is allowed to proceed *in forma pauperis*, he must nevertheless pay the full amount of the \$250.00 filing fee. 28 U.S.C. § 1915(b)(1). As stated above, plaintiff is unable to pay the entire \$250.00 filing fee at this time. However, plaintiff does have sufficient funds in his prison account to pay a portion of this amount. Therefore, pursuant to 28 U.S.C. § 1915(b)(1)(A), it is hereby **ORDERED** that plaintiff pay an initial partial filing fee of \$5.83 to the Clerk of this Court.

Plaintiff shall have thirty (30) days from the date of his receipt of this order to pay the required initial partial filing fee to the Clerk of the Court. Failure to comply with this order shall result in the dismissal of plaintiff's complaint. The Clerk is directed to file the complaint, but there shall be no service of process in this case until further order of the court.

Lastly, since filing his motion to proceed *in forma pauperis*, plaintiff has filed a motion for a speedy trial (Tab # 4). Until such time as plaintiff pays the \$5.83, no action shall be taken in this case. In any event, only criminal defendants have a right to a speedy trial. Consequently, plaintiff's motion for a speedy trial is **DENIED**.

SO ORDERED, this 2nd day of December, 2005.

/s/ Richard L. Hodge
RICHARD L. HODGE
UNITED STATES MAGISTRATE JUDGE